IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FARAD CONTINUATION SHEET.

APPEAL FROM ORDER NO.98 OF 2005

Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

CORAM: A.S.OKA,J.
DATE : MARCH 18, 2005.

P.C.: 1. Heard Shri Pawar for the Appellants The challenge in this Appeal is to the Judgment and Order dated 13th March 2004 passed below Applications Exh.5,22,24 and 50. The Appellants are the Respondents in pending Appeal in the District Court.

2. The grievance of the Appellants is as regards injunction granted against them restraining them from alienating suit land bearing Gat No.851 to any third party till the disposal of the Appeal.

3. The learned Counsel for the Appellants has submitted that the Appellants had brought to the notice of the lower Appellate Court that they have already

created third party interests by selling the property bearing Gat No.851 and therefore, the order of temporary injunction was uncalled for.

4. If the Appellants have already sold the land bearing Gat No.851 before restraining order was passed against them, obviously the order impugned will prevent the Appellants from creating any further third party interests from the date of passing the said order.

5. Substantive Appeal is pending before the District Court. No fault can be found with the impugned Judgment and Order. The impugned Judgment and order is a discretionary order. Hence Appeal from order is dismissed with no order as to costs.

6. All contentions of the parties on merit in the pending Appeal are expressly kept open.

JUDGE.